

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS (CHICAGO)**

IN RE:

Case Number: 18-21882

Wateka Gale Merritt

Chapter 13

Debtor

Judge: Hon. A. Benjamin Goldgar

NOTICE OF MOTION OF CARVANA, LLC TO MODIFY AUTOMATIC STAY

VIA ELECTRONIC NOTICE:

Marilyn O Marshall
224 South Michigan, Suite 800
Chicago, IL 60604

VIA U.S. MAIL:

Wateka Gale Merritt, Pro Se Debtor
8706 S. Buffalo
Apt 1
Chicago, IL 60617

PLEASE TAKE NOTICE that on 8/13/2018, we have electronically sent for filing with the Clerk of the U.S. Bankruptcy Court, a Motion of Carvana, LLC to Modify Automatic Stay, a copy of which is hereto attached.

Please take notice that on August 21, 2018 at 9:30 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable A. Benjamin Goldgar, in Courtroom 642 of the Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois, and then and there present the attached ***Motion of Carvana, LLC to Modify Automatic Stay***, which has been electronically filed this date with the Clerk of the U.S. Bankruptcy Court for the Northern District of Illinois, a copy of which is hereby served upon you by electronic notice or U.S. Mail.

DATED: 8/13/2018

Respectfully Submitted,

/s/ D. Anthony Sottile
D. Anthony Sottile (IN 27696-49)
Sottile & Barile, Attorneys at Law
P.O. Box 476
Loveland, OH 45140
Phone: (513) 444.4100
bankruptcy@sottileandbarile.com

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the above-named parties by electronic filing or, as noted above, by placing same in a properly addressed and sealed envelope, postage prepaid, and depositing it in the United States Mail at 394 Wards Corner Rd., Suite 180, Loveland, OH 45140 on 8/13/2018, before the hour of 5:00 p.m.

/s/ D. Anthony Sottile
D. Anthony Sottile (IN 27696-49)
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MOTION OF CARVANA, LLC TO MODIFY AUTOMATIC STAY

Carvana, LLC (hereinafter, “Movant”), a secured creditor herein, by its attorneys, the law firm of Sottile & Barile, LLC, respectfully requests this Court, pursuant to Section 362 of the Bankruptcy Code, and such other Sections and Rules as may apply, to enter an Order modifying the automatic stay to allow Movant to obtain possession of its secured collateral. In support thereof, Movant states as follows:

1. On August 3, 2018, Pro Se Debtor, Wateka Gale Merritt (“Debtor”) filed a Voluntary Petition for Relief under Chapter 13 of the Bankruptcy Code.
2. Movant is a creditor of the Debtor with respect to a certain indebtedness secured by a lien upon a 2016 CHEVY EQUINOX FWD 4C FFV motor vehicle bearing a Vehicle Identification Number (“VIN”) of 2GNALBEK6G1112390 (the “Vehicle”). (Ex. “A”).
3. As set forth in the Retail Installment Contract (the “Contract”) attached as part of Exhibit “A”, Debtor was required to tender equal monthly payments to Movant, each in the sum of \$435.00 with an interest rate of 18.14%. (Ex. “A”).
4. Debtor purchased the vehicle on January 23, 2018 and every monthly payment on the account since the purchase of the vehicle has come back as insufficient, resulting in a

- default and a total outstanding balance due to Movant from Debtor in the sum of \$20,855.61. Debtor has failed to file a Chapter 13 plan.
5. As such, Movant seeks relief from the automatic stay so that it may take possession of and sell the Vehicle and apply the proceeds from such sale to the balance due from Debtor. Movant requests further permission to file a post-sale deficiency balance claim.
 6. Debtor has not offered, and Movant is not receiving, adequate protection for its secured interest or depreciating value.
 7. Debtor has no equity in the Vehicle, and the Vehicle is not necessary to an effective reorganization by the Debtor. The value of the vehicle per NADA is \$16,925.00. Movant will suffer irreparable injury, harm and damage should it be delayed in taking possession of the Vehicle and asserting its security interest therein.
 8. Movant requests that Bankruptcy Rule 4001(a)(3) not apply to any Order granting this Motion

WHEREFORE, Movant respectfully requests that this Court enter an Order, as attached hereto, modifying the automatic stay provided by Section 362 of the Bankruptcy Code to permit Movant to take immediate possession of and assert its security interest in the 2016 CHEVY EQUINOX FWD 4C FFV motor vehicle bearing a Vehicle Identification Number (“VIN”) of 2GNALBEK6G1112390; waiving the 14-day stay provided for in Bankruptcy Rule 4001(a)(3);

and, for such other, further and different relief as this Court deems just and proper.

DATED: 8/13/2018

Respectfully Submitted,

/s/ D. Anthony Sottile
D. Anthony Sottile (IN 27696-49)
Sottile & Barile, Attorneys at Law
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Loveland, OH 45140
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